

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE,

Plaintiff and Respondent,

v.

GARY ALLEN CECIL,

Defendant and Appellant.

B291295

(Los Angeles County
Super. Ct. No. BH011813)

THE COURT:

The Los Angeles County District Attorney's Office charged defendant and appellant Gary Allen Cecil with criminal threats and stalking. Following trial, the jury found defendant guilty. Defendant was sentenced to a term of 35 years to life in state prison. He appealed, and on April 18, 2012, we affirmed the judgment. (*People v. Cecil* (Apr. 18, 2012, B228850) [nonpub. opn.], at p. 2.)

On October 31, 2012, and January 29, 2016, his subsequent petitions for writ of habeas corpus were denied.

“On December 5, 2016, defendant filed an ‘Application for: Recall of Felony Sentence & designate conviction as misdemeanor; waiver of further Restitution payments.’” (*People v. Cecil* (Sept. 19, 2017, B280347) [nonpub. opn.], at p. 2.) The trial court denied defendant’s request, and he again appealed. On September 19, 2017, we affirmed the trial court’s order. (*People v. Cecil, supra*, B280347, at p. 3.)

On May 14, 2018, defendant filed a “Petition for Writ of Mandate and/or All Purpose Writ,” seeking an order to compel the Los Angeles District Attorney “[t]o commence a thorough investigation, if not a full blown discovery hearing, into [defendant’s] claims [of prosecutorial misconduct in concealing exculpatory evidence and allowing fraudulent testimony] and serious allegations as facts outlined within this petition and application for conviction review on file.” The trial court denied defendant’s request. Defendant timely appealed from the trial court’s order denying his petition for writ of mandate.

Counsel was appointed to represent defendant in connection with this appeal. After examination of the record, counsel filed an “Opening Brief” in which no arguable issues were raised. On November 26, 2018, we advised defendant that he had 30 days within which to personally submit any contentions or issues for us to consider.

On September 24, 2018, defendant filed a letter, contending that the Court of Appeal “was supplied wrongful information to render wrongful decision.” He requests additional time, as he has recently underwent surgery for kidney cancer and “must

undergo another surgery due to the reoccurrence of another tumor.”

On December 6, 2018, defendant filed a supplemental brief, contesting his appointed counsel’s “Request for Independent Review” and arguing that discovery is warranted because he is challenging the credibility of both the prosecution and the victims. He asks that his appellate attorney’s opening brief be dismissed and full briefing be allowed on the merits.

We have examined the entire record and we are satisfied that defendant’s appellate counsel has fully complied with his responsibilities and that no arguable issues exist. (*People v. Wende* (1979) 25 Cal.3d 436, 441 (*Wende*)). Defendant has not identified what “wrongful information” was supplied to us. And he has not explained how an extension of time will aid his request for appellate review. What documents does he need that he has been unable to obtain?

As for defendant’s request in his supplemental brief for full briefing, he had that opportunity when he was notified that he could file his own appellate brief. He did not raise any issues that compel reversal.

Defendant has, by virtue of counsel’s compliance with the *Wende* procedure and our review of the record, received adequate and effective appellate review of the judgment and sentence entered against him in this case. (*Smith v. Robbins* (2000) 528 U.S. 259, 278; *People v. Kelly* (2006) 40 Cal.4th 106, 123–124.)

The trial court’s order is affirmed.

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS.

ASHMANN-GERST, Acting P. J. CHAVEZ, J. HOFFSTADT, J.